IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 13363 of 2004

Between:

1 Shah Mohd.Zafarullah Quadri, s/o Nasrullah Quadri,
R/o H.No.2-5-43, Big Bazar Medak Town, District

Medak.
2 Shah Mohd.Azizullah Quadri, s/o Nasrullah Quadri,
R/o Noor Khan Bazar, Hyderabad.
3 Shah Mohd.Faizullah Quadri, s/o Shah

Mohd.Ahmedullah Quadri,
R/o Jeelanigadda Medak, District Medak.

... PETITIONERS

AND

1 The District Collector, Medak at Sangareddy.
2 The Commissioner, Municipal Council, Medak.
3 Jallalpuram Bheemudu, s/o Sailu,
R/o H.No.3-5-42, Nawabpet Medak Town, District

Medak.
4 Pilli Kishan, s/o Ashaiah,
R/o H.No.3-5-32, Jeelanigadda, Medak Town, District

Medak.
5 Jannaiah, r/o H.No.2-9-46, Nawabpet Medak Town,

District Medak.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ order or direction declaring the action of the respondent No.1 and 2 in allotting and fixing boundaries of the petitioners' land extent 120' East West in length and 50' North South in width (666 sq.yards) situated at Jeelanigadda in Medak Town District, Medak and permitting the respondents No.3 to 5 to construct the Community Hall illegal null and void and consequently the respondents may be interdicted

from encroaching upon and making construction on the said land of petitioners in the interest of justice.

Counsel for the Petitioners: MR.MOHD. GHULAM HUSSAIN

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: MR. R. THIMMA REDDY

Counsel for the Respondents 3 to 5: NONE APPEARED

The Court at the admission stage made the following:

ORDER:

When respondents 3 to 5 were proceeding with the construction in the land said to have been allotted to the petitioners for the purpose of community hall under “KOTI VARALOO” at Nawabpet Street of Medak town and Mandal, petitioners invoked the jurisdiction of Civil Court in O.S.No.1 of 2004 on the file of the Court of the Senior Civil Judge at Medak and also sought for injunction in I.A.No.2 of 2004. The said I.A. was dismissed on 03-02-2004 against which petitioners filed C.M.A.No.6 of 2004, which was also dismissed on 18-03-2004, against which petitioner filed C.R.P.No.2576 of 2004, in which the petitioner prayed for injunction, but the same was not granted.

2. On the said dismissal, the District Collector addressed the Revenue Divisional Officer on 29-05-2004 to permit respondents 3 to 5 to construct compound wall and the R.D.O addressed the Commissioner, Nagar Panchayat to take action accordingly while fixing the boundaries of the land allotted for construction of community hall at Nawabpet Street, Medak town. In turn, the Commissioner by his letter dated 22-06-2004 submitted his compliance report to the District Collector. In view of the same, petitioners filed the present writ petition contending that the action of respondent No.1 in allotting and fixing boundaries of the land, which is the subject matter of the suit, is arbitrary and illegal.

3. The very fact that the petitioner failed to obtain injunction from the concerned District Court itself shows that *prima facie* petitioners will not have any right over the suit schedule property. In view of the same, present writ petition cannot be entertained and it is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

October 8, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The District Collector, Medak at Sangareddy.
2 The Commissioner, Municipal Council, Medak.
3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT).

4 Two C.D. Copies.